



STATE OF TENNESSEE

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School Facilities Utilization Guidelines
Tennessee Department of Education

2011 Public Chapter 465 requires each local education agency (LEA) in which one or more public charter schools operate to annually catalog (by October 1) underutilized and vacant properties owned or operated by the LEA,” and “all underutilized and vacant properties within any educational facility owned or operated by the LEA.” LEAs must also include plans for the use of underutilized or vacant properties in their annual submissions.

“‘Underutilized or vacant property’ means an entire property or portion thereof, with or without improvements, which is not used or is used irregularly or intermittently by the LEA for instructional or program purposes. ‘Underutilized or vacant property’ shall not include real property on which no building or permanent structure has been erected.”

LEAs are required to submit this catalog to the department of education and the comptroller. The department shall make an LEA’s list available to charter school operators or sponsors. LEAs are also required to make those underutilized and vacant properties available for use by charter schools.

The department was charged with “adopt[ing] uniform guidelines to be used to determine what constitutes the irregular or intermittent use of property by an LEA.”

Improving the utilization of properties owned or operated by LEAs to deliver instructional and non-instructional services is in the best interest of students and the community in which those properties are located. Sharing space defrays the potentially large costs of underutilized space and allows more budget funds to be spent on actual teaching and learning. Underutilized or vacant property may be used in many ways.

Guidelines

Each year, the facility manager for each LEA in which one or more charter schools operate shall conduct an assessment of the utilization of properties owned by the LEA. This assessment shall be used to determine which property or portion of properties shall be included in the catalog of vacant or underutilized property. The assessment and catalog shall include all properties or portion of properties not being used and those being used in an intermittent or irregular manner, as defined below. The materials shall be submitted to the department of education and the state comptroller by October 1 of each year.

Currently vacant: Property, including any portion of property which is currently not in use for instructional or program purposes must be included in the catalog.

Irregular use: Property or any portion of property which is not being used for instructional or program purposes must be included in the catalog. This includes spaces suitable for classroom use that are currently being used for storage of any kind.

Intermittent use: Any property or portion of any property that is not used at least once during any nine month period for instructional or program purposes must be included in the catalog.

LEAs are required to make underutilized or vacant properties available for use by charter schools operating in the LEA. However, including property or portions of properties in the catalog does not make the space automatically available for use by a charter school. The LEA and charter school may enter into a lease, lease-purchase or other agreement. Including property or portions of property in the catalog provides information about utilization of space owned by the public schools to the public, including to charter school operators and sponsors. Including properties in the catalog is also not “intended to frustrate an LEA’s ability to plan for the use of underutilized or vacant properties owned or operated by the LEA.” LEAs shall submit such plans to the department and the comptroller each year.